

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SIMON SCHATZMANN, JOHN MESSINA,  
and JOHN LEZOTTE,

Plaintiffs,

-v.-

HARRIS PARTNERS LTD., HARRIS TRUST  
PARTNERS LLC, and EDWARD P. HARRIS,

Defendants.

21 Civ. 7301 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On January 22, 2024, this Court was notified that Defendant Edward P. Harris had submitted a response (Dkt. #62) to Plaintiffs' motion to dismiss Defendant's counterclaims, to deny Defendant's motion to dismiss the Complaint, and to strike Defendant's answer (Dkt. #51). Just four days earlier, on January 18, 2024 — due to difficulties faced by the Clerk of Court in transmitting the Court's previous orders to Defendant — the Court had extended the deadline for Defendant to make such filing to **February 9, 2024**. (Dkt. #61). The Court will refrain from further consideration of Plaintiffs' motion until after the February 9 date, in the event that Defendant wishes to make any further submission before the Court-ordered deadline.

Further, the Court hereby ORDERS Plaintiffs to file a reply in further support of their motion on or before **February 21, 2024**. On this point, the Court notes its surprise that Plaintiffs asked this Court to deny Defendant Harris's motion to dismiss in favor of arbitration, in part because of

Defendant's failure to include supporting documentation with the papers he filed from jail, but then re-produced to Defendant copies of the relevant employment agreements, each of which contained an arbitration provision. The Court expects Plaintiffs to refine the arguments made in their initial motion to accord with the record as it now stands.

The Clerk of Court is directed to mail a copy of this Order to Defendant's address of record, *i.e.*:

EDWARD HARRIS a/k/a DAVID WAGNER  
REG. No. 12143-070  
FCI CUMBERLAND  
FEDERAL CORRECTIONAL INSTITUTION SATELLITE CAMP  
P.O. BOX 1000  
CUMBERLAND, MD 21501

SO ORDERED.

Dated: January 22, 2024  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge